

OCT 22 1954

OGC HAS REVIEWED.

**Mr. Roger W. Jones
Assistant Director for
Legislative Reference
Bureau of the Budget
Washington 25, D. C.**

Dear Mr. Jones:

Reference is made to your letter of October 8, 1954, requesting an expression of our views with respect to the proposed Executive Order amending the Civil Service rules and authorizing a new appointment system for the competitive service. Although it is apparent that no substantive changes from the present rules are contemplated, we believe a few comments on the applicability of certain terms used in the proposed Executive Order are appropriate.

The term "excepted service" as used in Section 1, 4(a) and (b) of the proposed Executive Order and as used thereafter defines, in effect, the excepted service to consist of those civilian positions which are excepted from the requirements of the Civil Service Act or from the competitive service by or pursuant to statute or by the Commission under Section 6, 1 of Rule 6, i. e., positions listed in Schedules A, B, and C. The appointment authority of this Agency is derived from the Central Intelligence Agency Act of 1949, Public Law 110, 81st Congress and, hence, upon a literal reading would fall within the area of excepted service as defined in the proposed Executive Order. A possible conflict would arise in the event rules or regulations are promulgated by the Civil Service Commission with respect to the excepted service. Though, as you know, this Agency adheres as closely as practicable to the standards and practices of the Civil Service laws and regulations, including the Classification Act of 1949, as amended, we do not believe that it is the intention of the proposed Executive Order to increase the enforcement or administration responsibilities of the Civil Service Commission over agencies whose authority stems from specific statutes.

Since the Civil Service Commission issues rules and regulations from time to time which affect the excepted service, we believe some clarification or understanding should be appropriately noted at this time.

Sincerely yours,

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L. K. White
Deputy Director

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OGC [redacted] blc
Orig. & 1 - Addressee
2 - Signer
2 - Legislative Counsel *w/basic*
1 - DAD/Personnel *w/Ensis*
1 - [redacted] OGC 25X1A9a

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[redacted] DAD/Personnel, having read this letter, gave his telephonic concurrence to Mr. Pforzheimer on 22 Oct. 54.